

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
RHONDA AMBRISTER and DARREN
AMBRISTER, as the Legal Guardians of R.D., a
minor, and RHONDA AMBRISTER and DARREN
AMBRISTER, Individually,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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22 Civ. 5516 (AT)

ORDER

The Court has reviewed the parties' letters dated May 3 and 10, 2023. ECF Nos. 44–45. Plaintiffs request leave to file a motion for a preliminary injunction under 20 U.S.C. § 1415(j). *Id.* In the alternative, Plaintiffs request leave to file a motion for a preliminary injunction under 20 U.S.C. § 1415(i)(2)(C)(iii); state that they “can amend their [c]omplaint in this matter to seek a pendency placement/program along with reversal of the SRO’s decision”; and note that they “can file a separate [c]omplaint and mark it as related to the instant matter.” *Id.* at 1 n.1, 5 n.2. Defendant opposes Plaintiffs’ request to file a motion for a preliminary injunction. ECF No. 45. Accordingly:

1. Plaintiffs’ requests are GRANTED in part and DENIED in part;
2. By **May 22, 2023**, Plaintiffs may file an amended complaint that includes Plaintiffs’ request for relief under 20 U.S.C. § 1415(j);
3. Should Plaintiffs file an amended complaint, by **May 31, 2023**, the parties shall submit a joint letter advising the Court whether they intend to rely on their pre-motion letters for summary judgment, ECF Nos. 39–40, or otherwise specify how they intend to proceed with this action.

SO ORDERED.

Dated: May 11, 2023
New York, New York



ANALISA TORRES
United States District Judge